

Commission, at a minimum, clarify that "a LEC is not required to unbrand its own operator services merely because it is not technically feasible to rebrand operator services for another carrier."⁴⁶

From NYNEX's description of the Commission's actions, it appears that NYNEX believes that it cannot brand any of its DA/OS services or traffic if it is incapable, technically, of branding all of the DA/OS services of others.⁴⁷ Should NYNEX be correct in its analysis of the Commission's requirements in this area, there would be a First Amendment violation because the Commission cannot constitutionally mandate that lawful speech not occur simply because a LEC is incapable of speaking the "preferred" message of the Commission. It is unlawful for the Commission to impose on LECs an obligation to remain silent unless they can speak on behalf of their competitors. For First Amendment reasons, U S WEST urges the Commission to reconsider its branding requirements in their totality.

IV. NETWORK DISCLOSURE

As a general matter, the new rules regarding network disclosure are reasonable and balanced. U S WEST's essential premise is fairly simple: all

⁴⁶ NYNEX actually uses the phrase "operator services" throughout its discussion of this matter. U S WEST believes that NYNEX's arguments are equally applicable to DA branding, and the Commission should reconsider its position generally with respect to both types of services.

⁴⁷ U S WEST does not share this interpretation. We believe that U S WEST is free to brand all of its traffic, where the traffic is identifiable to U S WEST (such as on dedicated trunk groups), even though we are incapable of branding all competitors' traffic. For example, just as U S WEST can brand its own DA/OS on dedicated trunks, it can brand competing providers' traffic on such trunks. We cannot brand competing providers' traffic where the traffic is commingled. This is the only instance, however, where U S WEST would remove its brand.

carriers need to share interconnection information with each other in a principled manner or competition simply cannot function. Several petitioners address network disclosure issues in a manner which merits brief treatment.

AirTouch, NYNEX and SBC address a critical issue from two different sides. AirTouch contends that the Commission should rule that all interconnecting carriers, not just carriers who are "competing providers" of telecommunications services, should be entitled to receive network disclosure information from incumbent LECs.⁴⁸ SBC and NYNEX, on the other hand, request reconsideration of the Commission's ruling that the network disclosure requirements apply only to incumbent LECs.⁴⁹ In all of these cases, the point made is very simple -- it is impossible for one carrier to connect to the network of another without having access to the basic interface information required by the Second Report and Order (or some variant thereof).

U S WEST supports all of these petitions. An interconnecting carrier needs interface information whether the interconnecting carrier is an incumbent LEC, a competitive LEC, a CMRS provider or an interexchange carrier. The purpose of network disclosure has nothing to do with the competitive issues which seem to drive so much of the Commission's thinking in this and other current dockets -- instead, network disclosure is simply based on a recognition that networks cannot interface in a well of ignorance. Certainly the Commission is correct in its desire

⁴⁸ AirTouch at 4-7.

⁴⁹ SBC at 15-16; NYNEX at 8-9.

not to burden small carriers with rules which are not necessary to the advancement of competition or the protection of the public -- but the requirement that all carriers disclose their interfaces prior to offering service utilizing those interfaces is simply a regulatory recognition of the carrier's duty to serve on an indiscriminate basis.

We agree with NYNEX that the existing "all carrier" rule is not sufficient to take up the slack if the Commission declines to apply its network disclosure rules to other than incumbent LECs.⁵⁰ Clear rules applicable to the entire industry are superior to the vague "all carrier" standard. If the Commission determines that the existing rules which apply to incumbent LECs are too onerous to be applied to non-incumbent LECs, the Commission could fashion less stringent rules for these carriers. However, we submit that, if the burden of the existing rules is really too heavy for non-incumbent LECs such as AT&T to bear, it probably means that the rules themselves are too strict and ought to be modified.

In this regard, efforts to streamline the network disclosure process are an important aspect of developing a pro-competition regulatory structure. A network disclosure process which impeded the deployment of new technology would clearly be counterproductive. Accordingly, the shorter notice permitted by the new rules is very much in the public interest. However, as SBC points out, even these shorter notice provisions could permit a carrier intent on obstruction to delay implementation of a new interface by a number of months.⁵¹ SBC suggests further

⁵⁰ NYNEX at 8-9.

⁵¹ SBC at 16-18.


streamlining of the shorter notice provisions of the rules, including establishment of a presumption that a disclosure made on short notice is reasonable. U S WEST supports this concept. In this regard, we also note that U S WEST's planned use of the Internet for network disclosure holds the potential for further streamlining of this process.

In this regard, U S WEST recently filed several disclosure announcements using the newly adopted short term notification process. The process seems to have worked well. However, the extant list of interconnectors (to whom U S WEST now sends both a paper copy of the disclosure document and a diskette) now exceeds 800 addressees. Thus the manual notification process is cumbersome and inefficient. On the other hand, Internet notification by way of the current U S WEST WEB site makes the information available to all entities desiring this information, not just the current U S WEST list of addressees. We submit that Internet notification of network changes is superior to normal notification and should be available to carriers as an alternative to the existing process.

Respectfully submitted,

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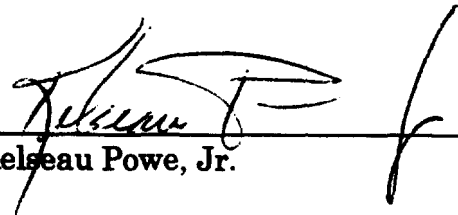
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November 20, 1996

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CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify that on this 20th day of November, 1996, I have caused a copy of the foregoing **U S WEST RESPONSE TO THE RECONSIDERATION PETITIONS CONCERNING THE SECOND REPORT AND ORDER** to be served via first-class United States Mail, postage prepaid, upon the persons listed on the attached service list.


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